

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JACOB L. McGOVERN,

Plaintiffs,

v.

VILLAGE OF OAK LAWN, OFFICER M. ACKE,  
Star # 281, SERGEANT T. SCOTT, Star # 627,  
OFFICER J. PACETTI, Star # 618, and the COOK  
COUNTY SHERIFF.

Defendants,

01C 3772  
NO.

JUDGE

JUDGE PALLMEYER

MAGISTRATE JUDGE ROSEMOND

JURY DEMAND

FILED-ED4  
01 MAY 22 PM 2:45  
U.S. DISTRICT COURT

DOCKETED  
MAY 23 2001

**COMPLAINT**

NOW COME Plaintiff, Jacob L. McGovern, by and through his attorney, Kevin Rogers, and  
for their complaint at law states as follows:

**FACTS**

1. This action is brought under 42 USC § 1983, jurisdiction arises under 28 USC § 1343(3) and, supplemental jurisdiction of pendent state claims pursuant to 28 USC § 1367.
2. Plaintiff, Jacob McGovern, was at all times relevant a resident and citizen of the County of Cook, State of Illinois in the United States of America.
3. The Defendant, Officer M. Acke, No. 281, ("Acke") is a duly appointed police officer at all times relevant to this complaint employed by the Village of Oak Lawn, and acting in the course and scope of his employment.

4. The Defendant, Sergeant T. Scott, No. 627, ("Scott") is a duly appointed police officer at all times relevant to this complaint employed by the Village of Oak Lawn, ("Oak Lawn") and acting in the course and scope of his employment.
5. The Village of Oak Lawn, ("Oak Lawn"), is a governmental entity, organized under the laws of the State of Illinois and is located in Oak Lawn, Illinois.
6. The Defendant, Officer, J. Pacetti, No. 618, ("Pacetti") is a duly appointed police officer at all times relevant to this complaint employed by the Cook County Sheriff's Police and acting in the course and scope of his employment.
7. The Cook County Sheriff ("Sheriff"), is a governmental entity, organized under the laws of the State of Illinois and is located in Cook County, Illinois.
8. All of the acts complained of herein took place in the Northern District of Illinois, Eastern Division.
9. The Plaintiff sues the Defendants, Acke, Scott and Pacetti in their his individual capacities.
10. At all times relevant to this Complaint, Defendants Acke, Scott and Pacetti acted under color of the Illinois Compiled Statutes, the Codes and Ordinances of the City of Village of Oak Lawn and Cook County, and the custom, policies and procedures of Oak Lawn and the Sheriff.
11. On June 3, 2000, at or near 2:00 AM the Plaintiff was traveling northbound on Central Avenue at or near 102<sup>nd</sup> Street.
12. At that time, the Defendant Acke in his marked police vehicle began to follow the Plaintiff's automobile.
13. Acke stopped Jacob McGovern's vehicle at or near 99<sup>th</sup> Street and Washington Avenue in Oak Lawn

14. After getting out of the vehicle, Plaintiff fled the scene on foot.
15. Acke chased the Plaintiff and some time thereafter lost site of him.
16. Thereafter, the Defendant Scott summoned the Cook County Sheriff's Officer Pacetti to use his canine to locate the Plaintiff.
17. The canine is capable of using force that may result in death or great bodily harm.
18. Scott knew that by utilizing Pacetti's canine that there existed a likelihood that should the animal find Jacob McGovern, he would be in immediate fear and apprehension of being bit by the dog.
19. Scott knew that by utilizing Pacetti's canine that there existed a likelihood that Jacob McGovern would be bit by that animal.
20. Scott authorized the use of Pacetti's canine to search for the Plaintiff.
21. Scott knew that Pacetti's canine was not muzzled.
22. By authorizing the use of Pacetti's canine, Scott authorized that force be against Jacob McGovern.
23. After authorization by Scott, Pacetti released the unmuzzled canine to search for the Plaintiff at or near 9928 S. Maple Avenue in Oak Lawn.
24. The canine came upon the Plaintiff and began to bite him.
25. Pacetti took no steps to call the animal off of the Plaintiff.
26. Pacetti was at all times relevant in command and control of the canine.
27. Plaintiff Jacob McGovern was thereafter transported to the Christ Community Hospital where he was treated for multiple dog bites.
28. The canine was not injured.

29. The canine was not treated by a veterinarian as a result of this incident.

30. As a result of the incident, the Plaintiff was charged with resisting arrest, attempted obstruction of justice, possession of drug paraphernalia, driving while driver's license suspended, and battery of a police dog.

31. As a result of the above, Plaintiff Jacob McGovern suffered great pain, emotional distress, mental anguish and permanent injury.

**COUNT I**  
**(civil rights claim - Acke, Scott and Pacetti)**

32. Plaintiff realleges paragraphs 1. - 31. in haec verba.

33. All of the above deprived Plaintiff Jacob McGovern of his right to be free of illegal seizure and excessive force in violation of the Fourth and Fourteenth Amendments of the Constitution of the United States and further in violation of 42 USC § 1983.

34. Plaintiffs demand trial by jury.

**WHEREFORE**, Plaintiff, Jacob McGovern, prays this Honorable Court:

- A. Enter judgment in his favor against the Defendants Acke, Scott and Pacetti;
- B. Award Plaintiff compensatory damages in the amount of \$ 100,000.00
- C. Award Plaintiff punitive damages in the amount of \$ 10,000.00.
- D. Award Plaintiff court costs and attorney's fees incurred herein pursuant to 42 USC § 1988.
- E. Award Plaintiff other relief which this Court deems proper and just.

**COUNT II**  
**(Illinois common law assault claim - all Defendants)**

35. Plaintiff realleges paragraphs 1. - 34. of Count I as if fully set forth herein in haec verba.

36. The actions of the Defendants Scott and Pacetti as set forth herein above in authorizing and utilizing an unmuzzled canine caused the Plaintiff immediate fear and apprehension of receiving a batter, were without lawful justification and constitute assault under Illinois law.

37. Plaintiffs demand trial by jury.

**WHEREFORE**, Plaintiff, Jacob McGovern prays this Honorable Court:

A. Enter judgment in his favor and against the Defendants, Scott, Pacetti, Oak Lawn and the Sheriff jointly and severally;

B. Award Plaintiff compensatory damages in the amount of \$ 100,000.00 against these Defendants jointly and severally;

C. Award Plaintiff punitive damages against the Defendants Acke, Scott and Pacetti; and,

D. Award Plaintiff other relief which this Court deems proper and just.

**COUNT III**  
**(Illinois common law battery claim - all Defendants)**

38. Plaintiff realleges paragraphs 1. - 37. of Counts I & II as if fully set forth herein in haec verba.

39. The actions of the Defendants Scott and Pacetti as set forth herein above in allowing the canine to attack and bite the Plaintiff causing him serious and permanent injury were excessive, without lawful justification and constitute battery under Illinois law.

40. Plaintiffs demand trial by jury.

**WHEREFORE**, Plaintiff, Jacob McGovern prays this Honorable Court:

A. Enter judgment in his favor and against the Defendants Scott, Pacetti, Oak Lawn and the Sheriff jointly and severally;

B. Award Plaintiff compensatory damages in the amount of \$ 100,000.00 against these Defendants jointly and severally;

C. Award Plaintiff punitive damages against the Defendants Acke, Scott and Pacetti; and,

D. Award Plaintiff other relief which this Court deems proper and just.

Respectfully submitted:

  
Attorney for the Plaintiff

Kevin Rogers  
20 South Clark Street Suite 2000  
Chicago, IL 60603  
(312) 332-1188

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I (a) PLAINTIFFS**

JACOB L. McGOVERN

**DEFENDANTS**JUDGE PAUL MEYER  
VILLAGE OF OAK LAWN, MOOREHEAD ACKE,  
Star #281, SERGEANT J. SCOTT, Star  
#627, OFFICER J. PACETTI, Star #618  
and the COOK COUNTY SHERIFF**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF** COOK  
(EXCEPT IN U.S. PLAINTIFF CASES)**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT**  
(IN U.S. PLAINTIFF CASES ONLY) MAGISTRATE JUDGE ROSEMOND  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
TRACT OF LAND INVOLVED**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**Kevin Rogers  
20 S. Clark St., Ste. 2000  
Chicago, IL 60603  
312) 332-1188.

ATTORNEYS (IF KNOWN)

**DOCKETED**  
MAY 23 2001**II. BASIS OF JURISDICTION**

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   |   |   |   |
|---|---|---|---|
| Citizen of This State                   | PTE DEF <input checked="" type="checkbox"/> 1 <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | PTE DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 <input type="checkbox"/> 2                               | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5         |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3                               | Foreign Nation  | <input type="checkbox"/> 6 <input type="checkbox"/> 6         |

**IV. CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY:

42 U.S.C. Section 93 "Excessive Force "

**V. NATURE OF SUIT** (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395R) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights <b>PRISONER PETITIONS</b> <input type="checkbox"/> 610 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 630 General <input type="checkbox"/> 635 Death Penalty <input type="checkbox"/> 640 Mandamus & Other <input type="checkbox"/> 650 Civil Rights			

**VI. ORIGIN**

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**VII. REQUESTED IN COMPLAINT:**CHECK IF THIS IS A **CLASS ACTION**  
☐ UNDER F.R.C.P. 23**DEMAND \$**

\$100,000.00

Check YES only if demanded in complaint:

**JURY DEMAND:**☐ YES ☐ NO**VIII. RELATED CASE(S) IF ANY** (See Instructions):

JUDGE

DOCKET NUMBER

DATE

05-22-01

SIGNATURE OF ATTORNEY OF RECORD

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

In the Matter of  
JACOB L. McGOVERN

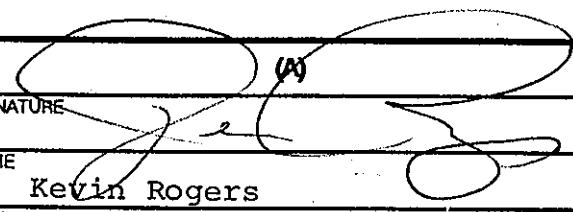
VILLAGE OF OAK LAWN, OFFICER M. ACKE, Star #281, SERGEANT T. SCOTT, STAR #627  
OFFICER J. PACETTI, Star #618 and the COOK COUNTY SHERIFF  
APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

Case Number:

**01C 3779**  
**JUDGE PALLMEYER**

JACOB L. McGOVERN

MAGISTRATE JUDGE ROSEMOND

<b>(A)</b>		<b>(B)</b>	
SIGNATURE 		SIGNATURE	
NAME Kevin Rogers		NAME	
FIRM		FIRM	
STREET ADDRESS 20 S. Clark St., Ste. 2000		STREET ADDRESS	
CITY/STATE/ZIP Chicago, IL 60603		CITY/STATE/ZIP	
TELEPHONE NUMBER (312) 332-1188		TELEPHONE NUMBER	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6192609		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	
<b>(C)</b>		<b>(D)</b>	
SIGNATURE		SIGNATURE	
NAME		NAME	
FIRM		FIRM	
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
TELEPHONE NUMBER		TELEPHONE NUMBER	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	

PLEASE COMPLETE IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE.

**DOCKETED**  
**MAY 23 2001**  
U.S. DISTRICT COURT  
FILED-ED4  
01 MAY 22 PM 2:4